

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2079 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

JALDHARA PUMPS LIMITED

Versus

UNION OF INDIA

Appearance:

MR SN THAKKAR for Petitioners

MS AVANI S MEHTA for Respondent No. 1 to 4.

CORAM : MR.JUSTICE C.K.THAKKER and
MR.JUSTICE A.L.DAVE

Date of decision: 07/04/98

ORAL JUDGEMENT

Rule. Ms Avani S.Mehta, waives service of rule on behalf of the respondents. In view of the urgency of the matters and with the consent of the parties, we have taken this Special Civil Application for final hearing.

Appeal was filed which was dismissed by the appellate authority for non-compliance of the condition imposed by the appellate authority. Again further appeal was also filed which is pending before the second appellate authority i.e. CEGAT, Mumbai, which is not disputed by and between the parties that against the order passed by the Appellate Authority, the appeal is pending.

It is also an admitted fact that along with the appeal, application for stay/interim relief was filed. The said appeal and stay application have not been disposed of so far and yet coercive recovery is sought to be affected. In the facts and circumstances of the case, therefore, it is directed that the appellate authority i.e. CEGAT, Mumbai, will take up the application for interim relief and will pass appropriate order as expeditiously as possible preferably within a period of four weeks from the receipt of the writ. In our opinion the point is concluded by a decision of this court in the case of D.C.W.Ltd. and others vs. Commissioner (Appeals) and others, reported in 1997(2) GLR P.913.

In the result the present petition is allowed to the aforesaid extent. In the facts and circumstances, no order as to costs. Till the stay application filed before CEGAT, Mumbai is decided no coercive recovery will be effected by the authority.

Dt. 7.4.1998. (C.K.THAKKER J)

(A.L.DAVE J.)